

**Wellfleet Board of Selectmen
Virtual Meeting
Tuesday February 23, 2021
Meeting Agenda**

Members Present: Michael DeVasto, Chair; Janet Reinhart, Vice-Chair; Justina Carlson, Ryan Curley, Helen Miranda-Wilson

Others Present: Maria Broadbent, Town Administrator; Rebekah Eldridge, Executive Assistant; Michael Hurley, Wellfleet Police Chief; Hillary Lemos, Health Agent; Rich Pauley; Wellfleet Fire Chief; Dick Elkin, Chair of the Energy Committee; Mia Baumgarten, Bill Hewig, KP Law town representative for the contract renewal; Nancy Civetta, Wellfleet Shellfish Constable; Peter Cook, Member of the Bike and Walkways Committee; John Riel, Natural Resource Advisory Board; Kristy Senatori, Cape Cod Commission.

Chair DeVasto called the meeting to order at 6:00PM

I. Announcements, Open Session and Public Comments

Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

- Chief Hurley made an announcement that scams are on the rise and asked the public to please keep an eye on families, friends, and neighbors. Stressing to not give out personal information to anyone that is unknown to them.
- Elkin urged the board to please sign the license renewal for Comcast explaining it is urgent. DeVasto asked Eldridge to locate the license and have it signed. Reinhart stated she gave all the signed papers that were in the selectboard office to Jeanne Maclauchlan, Eldridge will check with her.
- Selectboard Member Wilson recognized two members of board that have resigned recently she publicly thanked Peg Carnduff and Debra Freeman both she stated have done great things for the town of Wellfleet and the town is at a great loss.

II. COVID-19 Updates and Recommendations

- Health Lemos gave an update on the vaccines that are being rolled out. Having the most vulnerable residents vaccinated first. She urged residents that can travel to sign up on the mass.gov web site to go to a vaccine site off cape. She continued explaining the next clinic that is being conducted locally will be held Thursday February 25, 2021. She explained that if a local resident is 75 or older would like to try and get into the clinic please contact her at her office in Wellfleet, giving that number.
- She stated there are 6 positive cases in town and it is holding steady but not increasing. Curley stated there was a letter sent to the governor regarding vaccines and expressed his disappointment that the selectboard wasn't involved in that letter or the signing of it. Town Administrator Broadbent explained that she received the letter not realizing the selectboard wasn't on the chain of recipients. Selectboard Member Reinhart explained she was on

that meeting and that Wellfleet was very much involved in the meeting the Wellfleet Selectboard was on that letter. They discussed this further and will make sure going forward the selectboard will be notified by the group email.

III. Public Hearings

A. Comcast License Renewal

- Administrator Broadbent discussed with the board that timewise this hearing was to be published for two consecutive listings and it is before them again to approve as all the regulations have been followed. She introduced attorney Hewig who explained the contract and the details of it. He explained that he represented all the lower cape. He stated that Comcast is obligated to comply with all Massachusetts rules and regulations, if they do not comply the town can file a noncompliance order which will order them to comply and if they do not they can be fined on a daily basis. He continued explaining the contract and how it will work for the next 10 years.
 - Wilson had questions for Hewig asking about streaming and availability of the channel. Baumgarten explained to Wilson that Comcast doesn't have control over the town channel and that she puts up the programming regarding the town channel. Baumgarten explained her scheduling for programming and stated she would be more than happy to discuss issues that someone is having on an individual basis.
 - The board continued to discuss the details of the contract and moving forward
 - **Selectboard Member Reinhart moved; Selectboard Member Carlson seconded; it was voted to approve the signing of the Comcast License Agreement for the term of ten years dated from December 1, 2020 through November 30, 2030. 5-0**
- a. Granting of hardship exemption for commercial shellfishing permit to Jackie Bassett – Shellfish Constable Civetta
- Chair DeVasto recused himself for the next two items because although he feels that he has no financial impact he stated that he doesn't need to vote so he wouldn't. He asked Vice Chair Reinhart to take over during the shellfish items.
 - Shellfish Constable Civetta explained to the board Bassett has been a shell fisherman for a while now and this was an oversight on his part not getting his permit in. The board had no issues with this item.
 - **Board Member Carlson moved, Board Member Curley seconded; it was voted to approve, granting Jackie Bassett a hardship exemption and to direct the Shellfish Constable to issue him a 2021 Commercial Shellfishing permit. 4-0 -1**
- b. Approval of Grant Transfer – Shellfish Constable Civetta
- Civetta explained that this is a great thing to happen and she believes that this is exactly why the shellfish regulations exist allowing family members continue a tradition.

- **Board Member Carlson moved; Board Member Wilson seconded; it was voted to approve the transfer of grants 85E, 85 E-A, 85 E-AB from Todd LeBart and Holly LeBart, to Todd LeBart, Holly LeBart, and Peter Brundage. 4-0-1**

IV. Board/Committee Appointments and Updates

a. Disclosure of appearance of conflict of Interest – Peter Cook

- Chair DeVasto came back to the meeting, he asked Peter to explain why he filled out this form.
- Cook explained he has two family members that own property to where the state plans to put the bike path. He felt that this was appropriate for him to fill out the form. Board Members questioned the form and how it was filled out. They discussed with him times when he would need recuse himself during meetings. They discussed his form at great length to decide if his financial interest can or can't be overlooked with his ability to act fairly in his capacity as a member of the bike and walkways committee. Cook explained to the Board that he will go to the State Ethics Attorney and will go with his guidance as to when or when not to recuse.
- **Board Member Wilson moved; Chair DeVasto seconded; it was voted that the selectboard has determined that the financial interest of Peter Cook is not so substantial as to be deemed likely to affect the integrity of the services which the town may expect from him as a member of the Bike and Walkways Committee. This disclosure is dated February 18, 2021. 4-0-1 (Selectboard Member Carlson abstained).**

V. Business

a. Review and Discussion of Appointment of Assistant Town Administrator

- Administrator Broadbent presented to the Board that she had sent to them information regarding the applicant and went on to explain that this person was the unanimous choice of the interview panel. She discussed her qualifications to the Board but asked to keep the name private until the Board either approved or disapproved her appointment. Broadbent went on to state that this person will be a great fit for Wellfleet and the Town Hall Staff.
- Chair DeVasto stated given that all the interview panel chose this applicant he has no issues and would like to move forward.
- The probationary period was discussed, and the candidate's ability to move to Wellfleet. Broadbent explained that the applicant will be moving here by the end of June.
- **No Action Was Taken**

b. Update from the Cape Cod Commission – Kristy Senatori

- Senatori began her presentation on what the Cape Cod Commission's year has involved. She recognized Dick Elkin and all his work with the Commission. She also stated that the Commission was pleased to move forward with the Herring River Project. She continued discussing what the Commission has been doing through the year 2020 and what is

projected for 2021. She stated a lot of the Commissions focus has been the Covid Pandemic stating that she is on the covid task force for the Commission and gave a website to where residents can see information about employment, traffic data, and covid rates throughout the cape, the site also gives data on housing and economic impacts that the pandemic has left.

- She continued that Cape Cod Commission has partnered with Cape Cod Chamber of Commerce issuing surveys to surrounding towns and allowing them to understand local business's trying to capture winter off season impacts on the businesses. The Commission would like to help local businesses. She discussed amendments that were made and passed. She expressed to the town that the Commission is pleased to see Wellfleet moving forward with their climate planning. They are addressing their housing needs and will be sending out a housing survey to be able to identify how second homeowners are utilizing their second homes and impacts on first time home buyers in 2020. They are looking at a community housing plan. The Board thanked her for her time.
 - **No Action Was Taken**
- c. Proposed Warrant Article for Town Meeting – National Resources Advisory Board
- Riel presented to the board a warrant article that the Resource Advisory Board would like to go before the Annual Town Meeting. He spoke about a project that has been in the works for a few years regarding dredging. It was about moving the “black Custard” and move it into a cove. The Board is asking for \$25,000 to continue with his project. He discussed suction dredging and what permitting will be needed for that project. He welcomed comments and advice from the Selectboard.
 - Wilson asked if this was a version of maintenance dredging. He confirmed that it was. She went on to advise there was a person from Dennis that he could speak with regarding maintenance dredging.
 - **Selectboard Member Reinhart moved, Selectboard Member Curley seconded; it was voted to approve the warrant article that has been presented by John Riel to the Selectboard asking to appropriate or transfer funds for the purpose of investigating and recommending practical engineering methods to reduce the scope and expense of future North Channel Harbor dredging, or do or act anything thereon. 5-0**
- d. Reconsideration of disposition of town property map until the review schedule as specified in Policy on Disposition of Town-owned Land is followed. – Board Member Curley
- Selectboard Member Curley explained to the Board that the Selectboard has a policy regarding the procedure that is to be followed before any town property that is to be disposed of in any way shape or form. Which allows anyone to speak on it at a meeting, to make sure the selectboard

doesn't dispose of land irresponsibly. He would like the Town Administrator to enforce these procedures and follow the schedule, being it goes to all Town Boards and then is brought to the Planning Board and finally to the Selectboard. Selectboard Member Curley would like to see this process being followed moving forward.

- The Board discussed town properties and the importance of following these regulations. There are a few properties that will be placed on the town warrant.
- **Selectboard Member Curley moved; Selectboard Member Wilson seconded; to rescind the placement Map #30, Parcel #186 & 188 and Map #42, Parcel #137, on the annual town warrant and remand the proposed disposition to the Town Administrator and instruct the Town administrator to follow the review schedule as required in the policy on the Disposition of Town Owned Land. 5-0**

e. Discussion on Right to Farm – Chair DeVasto

- Chair DeVasto read his motion that went along with the agenda item request. This will not be voted tonight to be put on the agenda. He stated he brought this up in the spring after a large push from constituents to have this adopted. It does not supersede any existing town or seashore bylaws or policies. It will give some protection to people practicing farming with permission. He continued explaining his position on why he feels this is important.
- The board discussed at great length the right to farm; what it entails, animals, vegetables, shellfish, etc. The Board continued to discuss this and how the Health Agent feels about this, how other departments feel. He read from his documentation that he provided to the board stating that the right to farm should be permitted in Wellfleet and that this is a normal practice of agriculture. The Board members shared their support for this. They discussed the declaration.
- **Selectboard Chair DeVasto moved; Selectboard Member Curley seconded; and it was voted to have the Selectboard ask Wellfleet Town Counsel to review and determine as to whether the draft bylaw that has been amended would supersede any existing bylaws, regulations or permitting requirements in the town of Wellfleet as well as review the language for its legality. 5-0**
- Chair DeVasto moved on to discuss with the Board Members Agricultural Conditions. He stated it doesn't need to be put on a warrant or send it to town counsel he expressed his desire to discuss this. He went to each individual member. Board Member Wilson believed this was a different matter altogether. She continued to discuss her thoughts and opinions on this. Board Member Curley stated he would be hesitant to establish a commission by the time of town meeting. He explained his concerns further. Chair DeVasto that he believed that town commissions had to be created at town meeting. He was unsure of the process once it was there. Chair DeVasto explained to the board that he has always been

in favor of having an agricultural commission. Board Member Carlson agreed with DeVasto and stated this could be a very positive initiative for the town.

- f. Discussion on if the selectboard would like to continue the Cahoon Hollow Lease – Suzanne Grout Thomas
- Thomas stated that due to timing with the summer almost here and the bid went out at this time in previous years. The parking lot has been operated as a pay parking lot. She stated there are two ways the parking lot can function. As a pay parking lot that can go out for bid or have it as a free lot to the town's residents. Board Member Wilson asked if the beachcomber was going to lease it again, Thomas explained that they had previously leased it for three years. Wilson stated she feels it should be put out to bid so the town doesn't lose revenue.
 - Board Member Carlson questioned the loss. Thomas explained that the loss was due to staff being compensated for working the parking lot, police details, she explained when the lot fell into the ocean due to erosion, they lost revenue. The fourth of July was discussed. The Board then asked both the police and fire chief's their thoughts and opinions on this lot.
 - Chief Hurley discussed having the cost on police detail and equipment into the lease, but he still feels it might be a loss. He stated any revenue brought in would help with his budget. He explained an incident that took place the previous summer. Chair DeVasto asked if the lot was closed and the other lot was open wouldn't the cost be the same to the town?
 - Chief Pauley discussed that he agreed with Chief Hurley and believes that whether the parking lot was open the tourists would come. It is in the best interest of the town to maybe continue the lease, but he feels there will be additional expenditures. He stated they needed to make sure that public safety staff was in place to address issues that do arise during the summer months.
 - The Board continued this discussion, going over dumpsters, revenue, issues that occur. There is no simple solution, Reinhart stated that whatever the solution is it needs to cover the towns costs. The Board continued this discussion.
 - **Selectboard Member Curley moved; Selectboard Member seconded; it was voted to approve that the town of Wellfleet continue to lease Cahoon Hollow Parking lot with the condition that trash removal is the responsibility of the lease and the request that the Town Administrator put this out to bid. 5-0**
- g. Discussion of Use of Town Property moving forward – Town Administrator Broadbent
- **Selectboard Chair DeVasto moved, Board Member Reinhart seconded; and it was voted to approve the use of town property on a case by case basis with the selectboard only after receiving the**

approval of the Fire department, Police Department, and the Board of Health, until further notice. 5-0

- The board discussed this motion and the use of town property. They discussed that all departments could weigh in on the use of the property, but these three departments need to approve unanimously before it is before the Board. This is for public safety due to the Covid-19 pandemic.

VI. Selectboard Reports

- Board Member Wilson discussed that the Cemetery meeting needs to be watched and it discussed green burials. She gave some information on the slide show that was presented.
- Chair DeVasto stated that the MSI draft strategic plan was still open for public comments, he gave the website to go and read the report. This document will be used as a basis to inform legislation for a long time.

VII. Town Administrator's Report

- Administrator Broadbent gave her update going down the list informing the Board that the highlight of her report is that the Town Accountant and Town Treasurer met with the state agency and the Town of Wellfleet has come back with a AAA rating. She stated it makes a huge difference in the cost of certain things. She continued to discuss that the Board now has her recommendations for the new Harbormaster, she stated the hiring panel was a great asset to this process.
- Chair DeVasto asked if the selectboard wished to meet before the 14-day period for right to refuse to discuss the hiring of the Harbormaster. Reinhart stated she had no issues with the candidate that was given to them. Chair DeVasto stated that this was not a discussion he wanted to poll the Board to see if they wanted the time to lapse. Wilson stated she has heard many pros and cons and this appointment she feels is quite controversial. The Board discussed meeting on March 2, 2021, Eldridge will set this up. Chief Pauley spoke to the Board that this is out of order and not have this conversation, he explained that the board has put themselves in great jeopardy legally by announcing the candidate. Administrator Broadbent stated she would like the hiring panel to be a part of the meeting, the Board agreed.
- Selectboard Member Curley explained that at their January 26th meeting the Selectboard voted to approve money for a dredging lobbyist and stated that the Board received an email stating that this needs to go out to bid because of the dollar amount. She explained that it is required to go out for procurement. She continued explaining how this needs to work. This will go through the proper channels for procurement.
- Selectboard Member Wilson asked Broadbent about communication policies. Broadbent explained that she met with the Provincetown Independent and would like to have a set media policy so that all staff members and committee members/chairs understand communication with the media. She gave some examples of what the media may feel is public record that the state does not.

VIII. Topics for Future Discussion

- All restaurants and businesses that plan to change seating for the upcoming season do need to get permission from Fire, Police, and Health. Make sure the policy that was written last year hasn't expired.
- Public Safety issues at Cahoon Hollow – Board Member Curley
- Wastewater Committee to come before the Selectboard – Board Member Curley
- Beach and Traffic Regulations – comment with Broadbent – Board Member Curley
- Management of the Beach Parking Lots over the summer she named White Crest in particular – Board Member Wilson
- Request from The United States Department of Commerce asking for a response from the Board and this needs to be on an agenda very soon – Board Member Wilson
- Administrator Broadbent's six-month review to be done at the March 9, 2021 meeting. Broadbent asked for that to be a public meeting.
- Should a warrant be brought to the town if LaCount Hollow should be resident taxpayer beach only

IX. Correspondence and Vacancy Reports

- a. Letter of gratitude for rec program/Becky Rosenberg – Rachel & Liam Rowland

X. Minutes

- a. January 26, 2021 - amended
b. February 9, 2021

- **Selectboard Member Curley moved; Selectboard Member Reinhart seconded; it was voted to approve the January 26, 2021 meeting minutes as amended. 4-0-1**
- **Selectboard Member Curley moved; Selectboard Member Reinhart seconded; it was voted to approve the February 9, 2021 meeting minutes as written. 4-0-1**

XI. Adjournment

- **Selectboard Member moved; Selectboard Member Carlson seconded; it was voted to adjourn the meeting 5-0**
- Meeting was adjourned at 9:48PM

Public Records:

*Comcast License
Hardship shellfish paperwork
Grant transfer paperwork
Natural Resource Advisory Board draft warrant article
Paperwork for disposition of town owned land
Town Administrators Report
Letter from Rachel and Liam Rowland
Meeting Minutes January 26, 2021
Meeting Minutes February 9, 2021*

| **Approved at the March 9, 2021 meeting** *a full recording of the meeting is available on the towns website*